

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JACK FERM,

Plaintiff,

vs.

COLLEEN MCCARTY, et al.,

Defendants.

Case No. 2:12-cv-00782-GMN-PAL

**ORDER**

(Mtn to Disqualify - Dkt. #60)

This matter is before the court on Plaintiff Jack Ferm's Motion to Disqualify Defense Counsel Todd Kennedy and Lionel Sawyer & Collins (Dkt. #60); Defendants Colleen McCarty's, KLAS, LLC's, and Steve Kanigher's Response (Dkt. #89); and Plaintiff's Reply (Dkt. #101).

Plaintiff seeks an order disqualifying defense counsel for allegedly submitting false statements of fact and misrepresenting legal authority in papers filed with the court. Additionally, Plaintiff contends defense counsel has a conflict of interest because Plaintiff seeks to name them as defendants in a second amended complaint. Having reviewed Plaintiff's Motion, the court concludes this is another of many papers filed in this case in a never-ending quest to "set the record straight" and re-argue the points made in opposition to Defendants' Motion to Dismiss (Dkt. #10). On January 28, 2013, the court entered an Order and Report of Findings and Recommendation ("Order and R&R") (Dkt. #109) recommending Defendants' Motion to Dismiss be granted and Plaintiff's Amended Complaint (Dkt. #5) be dismissed with leave to amend. The court found Plaintiff had not established the court's subject matter jurisdiction or complied with Rule 8 of the Federal Rules of Civil Procedure. *See* Order and R&R (Dkt. #109).


Additionally, the court entered a Report of Findings and Recommendation denying Plaintiff's Motion for Leave to File an Amended Complaint (Dkt. #61) naming Mr. Kennedy and Lionel Sawyer &

1 Collins as defendants, finding Plaintiff's proposed second amended complaint attached to the Motion  
2 for Leave suffered from the same infirmities as Plaintiff's Amended Complaint. Finally, the court has  
3 also entered a Report of Findings and Recommendation recommending Plaintiff's Motion for Default  
4 Judgment (Dkt. #54) be denied. That Motion raised essentially the same arguments as the instant  
5 Motion and sought case-dispositive sanctions.

6 For all of the same reasons,

7 **IT IS ORDERED** that Plaintiff's Motion to Disqualify Counsel (Dkt. #60) is DENIED.

8 Dated this 29th day of January, 2013.

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11 PEGGY A. LEEN  
12 UNITED STATES MAGISTRATE JUDGE  
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